



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

November 13, 2013

Ms. Shari Sneary
1616 Pinnacle Drive
Dundas, MN 55019

Mr. Stew Shaft
11323 Chisholm Circle NE, Unit F
Minneapolis, MN 55449

Re: Nutting Truck and Caster Superfund Site, Faribault, Minnesota

Dear Ms. Sneary and Mr. Shaft:

Thank you for meeting with me and representatives of the Minnesota Pollution Control Agency (MPCA) on November 7, 2013 to discuss MPCA's plans to re-install two groundwater monitoring wells at the Nutting Truck and Caster Superfund Site (Site) in Faribault. EPA and MPCA understand that you are representing your father, Steward Shaft Sr., owner of Prairie Avenue Leasing, Ltd., in this matter. At our meeting you relayed several ongoing concerns about the Site and requested a written response from EPA.

At our meeting, you asked why new monitoring wells are needed, given that MPCA deleted the site from the State's Permanent List of Priorities (PLP) in 2009 and that EPA signed a remedy decision in 2010 stating that no CERCLA action was needed.

Cleanup at the Site was managed by MPCA under an agreement with EPA. MPCA deleted the Site from the PLP after cleanup met the requirements of the State's Response Order by Consent and Remedial Action Plan. It is my understanding that at that time groundwater met drinking water standards (Minnesota's Health Based Limit or HRL and federal Maximum Contaminant Level or MCL), for example 5 ppb for TCE, at three compliance wells located near the northern edge of the property.

In order for a Site to be deleted from the federal National Priorities List (NPL), it is necessary for EPA to document a cleanup decision under the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). EPA took this step in 2010. EPA's Record of Decision (ROD) signed September 3, 2010 stated that the lead agency (MPCA) had determined that no further action was necessary to protect public health or the environment and that EPA had determined that no remedial action under CERCLA was necessary at the Site. EPA's ROD also stated that the Site conditions would allow for unlimited use and unrestricted

exposure. While examining Site records further to evaluate it for deletion from the NPL, we found that this statement is incorrect. Fortunately, an Environmental Covenant and Easement has been completed and recorded in Rice County that restricts use of groundwater beneath the property on all future owners, so people are protected through that restriction. The 2007 groundwater data, the most recent we have, indicate, however, that this restrictive covenant is still needed. Although it is my understanding that wells near the property boundary consistently achieved drinking water standards, the groundwater beneath the former source area on the Site property still exceeded these standards based on the 2007 sampling. In order for EPA to delete the site from the NPL, drinking water standards have to be met throughout the plume. It's important for EPA to understand the current groundwater situation before it can determine if the Site meets this requirement or if there may be other potential paths to delisting.

At our meeting, you also asked how long groundwater monitoring would be needed and who would pay for it. EPA anticipates a need for periodic groundwater monitoring at this Site until groundwater meets drinking water standards. The monitoring well installation and two rounds of sampling currently planned by MPCA will be funded by EPA. MPCA has indicated that if additional groundwater monitoring is needed, as seems likely, it plans to request additional funding of groundwater monitoring for this Site by EPA. However, EPA cannot make commitments about future funding until budgets are established for those years.

At our meeting, you also asked what happens to liability when ownership of a site is inherited. To answer this question I recommend you consult an attorney. Depending on the circumstances of a site, CERCLA does include a provision (Section 101(35)(A)(iii) of CERCLA, 42 U.S.C. § 9601(35)(A)(iii)) that may limit the liability of a party who acquires a site through inheritance after the disposal or placement of hazardous substances on the site has occurred.

When Site conditions warrant it, I look forward to proposing this Site for deletion from the NPL and plan to do so when groundwater monitoring data show that groundwater has met drinking water standards beneath the Site. You asked how many rounds of sampling would be needed to make this demonstration. I cannot at this time make a commitment about that as it depends on the results.

I hope this information is useful to you. If you have other questions, feel free to contact me at (651) 757-2898 and/or Ed Olson, MPCA Project Leader, at (651) 757-2627.

Sincerely,



Leah Evison
Remedial Project Manager
US EPA Region 5 Superfund Division

cc: Ed Olson, MPCA
Gary Krueger, MPCA